IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

OP.No. 27581 of 2001(H)

PETITIONER:

T.D.M HALL CONSUMER CO-OPERATIVE SOCIETY LTD., DURBAR HALL ROAD, ERNAKULAM, REP. BY ITS SECRETARY, SMT. RENUKA DEVI.

BY ADV. SRI.V.GIRI

RESPONDENTS:
----

1. **K.R. NARAYANAN NAIR, ULLAMPILLIL HOUSE, EROOR DESOM, NADAMA VILLAGE, KANAYANNUR TALUK.**

2. **KERALA CO-OPERATIVE TRIBUNAL, THIRUVANANTHAPURAM.**

3. **THE SPECIAL SALES OFFICER, ASSISTANT REGISTRAR (GENERAL) OFFICE, KANAYANNUR, KOCHI-16.**

R1 BY ADV. SRI.T.B.THANKAPPAN
SMT.K.DEEPA
SMT.K.L.ROOPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO. 44881/2001 IN OP NO. 27581/2001 H.

DISMISSED

14/06/2007. **SD/- T.R.RAMACHANDRAN NAIR, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE AWARD PASSED IN ARC 876/86 IN THE COURT OF ASST. REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), KANAYANNUR.

EXT.P2. COPY OF THE MEMORANDUM OF APPEAL IN AP NO. 46/96 FILED BEFORE THE R2.

EXT.P3. COPY OF THE ORDER IN AP NO. 46/96 DT. 16/08/99.

EXT.P4. COPY OF THE APPLICATION FOR RESTORATION OF APPEAL TOGETHER WITH THE AFFIDAVIT.

EXT.P5. COPY OF THE ORDER DT. 12/09/2001 BY THE R2 IN RESTORATION NO. 65/2001.

EXT.P6. COPY OF THE NOTICE IN EP NO. 613/2001 DT. 26/4/2001.

RESPONDENT'S EXHIBITS

EXT.R1A. COPY OF THE JUDGMENT IN OP NO. 14686/2001 DT. 15/6/2001.

EXT.R1B. COPY OF THE JUDGMENT IN AP NO. 46/96 DT. 19/10/98.

EXT.R1C. COPY OF THE PETITION FILED BY APPELLANT TO RESTORE THE APPEAL.

True copy

tga

A.K.BASHEER,J

O.P.NO.27581 OF 2001

DATED THIS THE 14TH DAY OF DECEMBER,2006

ORDER

After hearing learned counsel for the parties, I am satisfied that the petitioner had tried to mislead this court, when Ext.R1(a) judgment was rendered on June 15, 2001.

2. The above original petition was disposed of on June 15, 2001 by this court directing the Co-operative Tribunal to dispose of Ext.P2 application which was stated to have been filed by the petitioner to set aside the order of dismissal of his appeal for default.

3. It is admitted by the petitioner that he had filed the above application only on August 16, 2001, as revealed from Ext.P4. This means that at the time when Ext.R1(a) judgment was rendered by this court the said application was not pending. He had filed it only after disposal of above original petition.

4. The petitioner shall show cause why appropriate action shall not be taken against him. The learned counsel for the petitioner prays for a short adjournment to enable him to file an additional affidavit.

Call on 20-12-2006.

A.K.BASHEER,JUDGE.

dvs